

Docket No.: 44319-054



PATENT

#S
8-24-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Kenji IMURA : Confirmation Number: 1744
Serial No.: 09/668,174 : Group Art Unit: 2623
Filed: September 25, 2000 : Examiner: Jingge Wu
For: TEST CHART COLOR MEASURING SYSTEM AND A COLOR OUTPUT
APPARATUS CORRECTING SYSTEM

RESPONSE TO RESTRICTION REQUIREMENT **RECEIVED**

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AUG 18 2003
Technology Center 2600

Sir:

This is in response to the Official Action dated July 16, 2003. In this office action, the Examiner required election between Group I directed to claims 34-36 and Group II directed to claims 1-33.

In response to this requirement, Applicant elects Group II directed to claims 1-33. The restriction requirement is respectfully traversed and reconsideration is requested for the following reason(s).

Claims 34, 35 and 36 of Group I are directed to color output correcting systems in which the test color measuring systems recited in claims 1, 12 and 23 of Group II are used, respectively. More specifically, the combination recited in each of claims 34, 35 and 36 of Group II requires the specifics of a respective one of the subcombinations recited in independent claims 1, 12 and 23 of Group II. Furthermore, there is no evidence that the combinations recited in claims 34, 35

and 36 are patentable without the details of a corresponding one of the subcombinations recited in claims 1, 12 and 23. Consequently, the subcombination recited in each of independent claims 1, 12 and 23 is essential to a respective one of the combinations recited in claims 34, 35 and 36.

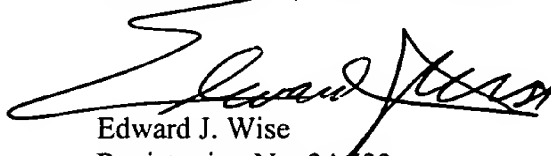
This situation is covered by M.P.E.P. § 806.05(c)II and restriction should not be required. Therefore, reconsideration of the restriction requirement is requested.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Edward J. Wise
Registration No. 34,523

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 EJW:cac
Facsimile: (202) 756-8087
Date: August 14, 2003